

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK THOMAS MCCOMBS,

No. 1:20-cv-00712-DAD-JLT (PC)

Plaintiff,

v.

STU SHERMAN, et al.,

Defendants.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO OBEY COURT ORDER AND FAILURE
TO STATE A COGNIZABLE CLAIM FOR
RELIEF

(Doc. No. 14)

Plaintiff Mark Thomas McCombs is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302

On August 27, 2020, the assigned magistrate judge screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and determined that it failed to state a cognizable claim for relief. (Doc. No. 10.) Plaintiff was granted leave to file a first amended complaint attempting to cure the deficiencies identified by the magistrate judge within twenty-one (21) days after service of that screening order. (*Id.* at 5–6.) Plaintiff was warned that his failure to file a first amended complaint in compliance with the screening order would result in a recommendation that this action be dismissed due to his failure to state a claim and failure to obey a court order. (*Id.* at 6.) Despite receiving an extension of time in which to file a first amended complaint (*see* Doc. No.

1 12), plaintiff failed to file a first amended complaint or otherwise respond to the court's screening
2 order. Accordingly, on November 18, 2020, the magistrate judge issued an order to show cause
3 why this action should not be dismissed for failure to comply with a court order. (Doc. No. 13.)
4 Plaintiff did not respond to that order to show cause or otherwise communicate with the court.

5 On January 4, 2021, the magistrate judge issued findings and recommendations
6 recommending that this action be dismissed due to plaintiff's failure to state a cognizable claim
7 for relief and failure to obey a court order. (Doc. No. 14.) Those pending findings and
8 recommendations were served on plaintiff and contained notice that any objections thereto were
9 to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no objections to the
10 findings and recommendations have been filed, and the time in which to do so has now passed.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
12 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
13 findings and recommendations are supported by the record and by proper analysis.

14 Accordingly,

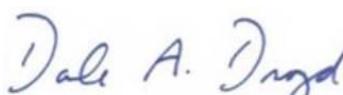
15 1. The findings and recommendations issued on January 4, 2021 (Doc No. 14) are
16 adopted in full;

17 2. This action is dismissed due to plaintiff's failure to state a claim and failure to
18 obey court orders; and

19 3. The Clerk of the Court is directed to close this case.

20 IT IS SO ORDERED.

21 Dated: February 10, 2021


22 UNITED STATES DISTRICT JUDGE

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